

TELECOPIER COVER SHEET**July 3, 2002**

To: Assistant Commissioner for Patents	From: Estella Pineiro Executive Patent Secretary 818/493-2251
Attention: [REDACTED] Office of Petitions	ST. JUDE MEDICAL CRMD 15900 Valley View Court Sylmar, California 91392-9221
Telecopier: 703/308-6916	Telecopier: 818/362-4795
RE: PETITION TO COMMISSIONER TO ACCORD FILING DATE... Applic. No. 10/092,695 Filed: 03/06/2002 Docket No. A02P1020US01	Number of pages being sent: <u>8</u> (including cover page)

PLEASE DELIVER TO NANCY JOHNSON AS SOON AS POSSIBLE.

FAX RECEIVED

JUL 03 2002

PETITIONS OFFICE

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND THOSE PROPERLY ENTITLED TO ACCESS TO THE INFORMATION AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED OR AN AUTHORIZED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR DUPLICATION OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE OR FACSIMILE. THANK YOU.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph J. Florio et al.

Serial No.: 10/092,695

Art Unit: Not assigned.

Filed: 03/06/2002

Examiner: Not assigned.

For: METHOD AND APPARATUS FOR USING
A REST MODE INDICATOR TO
AUTOMATICALLY ADJUST CONTROL PARAMETERS
OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

FAX RECEIVED

JUL 03 2002

PETITIONS OFFICE

Docket No.: A02P1020US01

PETITION TO COMMISSIONER TO ACCORD FILING DATE

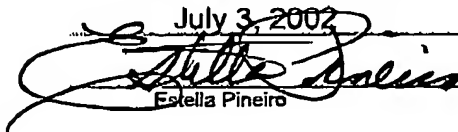
UNDER 37 CFR 1.10

BOX DAC
Assistant Commissioner
for Patents
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office on:

July 3, 2002

 7/3/02
Estella Pineiro Date

Applicants respectfully petition the Commissioner to accord the above-identified
patent application the filing date of March 6, 2002 in light of the remarks below.

Please deduct any applicable fees from Deposit Account No. 16-0068.

//
//
//
//
//
//
//

REMARKS

It is noted that the filing date of the application was inadvertently logged in by the PTO as 03/08/2002. Attached as evidence, is a copy of the Postal Tracking Service 'track and confirm' shipment history for Express Mail No. EL758671539US, showing that the package was en route on March 6, 2002 and therefore our "date-in" of our correspondence should be our filing date of March 6, 2002.

Also provided are copies of the Application Transmittal and the return postcard showing that Express Mail No. EL758671539US was placed on papers submitted with this application.

Respectfully submitted,

Date

7/3/02

Pacesetter, Inc.
15900 Valley View Court
Sylmar, CA 91392-9221
818/493-2200
818/362-4795 (fax)



Derrick Reed, Reg. No. 40,138
Patent Attorney for Applicants

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: A02P1020US01

EXPRESS MAIL NO. EL758671539US

Inventor(s): Joseph J. Florio; Gene A. Bornzin;
 Peter Boileau; Eric Falkenberg;
 and Janice Barstad

Title: METHOD AND APPARATUS FOR USING A REST MODE
 INDICATOR TO AUTOMATICALLY ADJUST CONTROL
 PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

BOX PATENT APPLICATION FEE
 ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231

Dear Sir:

Submitted herewith for filing are the following documents:

X 3 page(s) DATA SHEET
X 37 page(s) application including 31 pages specification; 5 pages claims, and
 1 page abstract
X 6 Sheet(s) of Drawings
 Formal xx Informal _____
X Declaration
X Assignment
X Recordation Form Cover Sheet
X Power of Attorney by Assignee...
X Information Disclosure Statement
X PTO-1449 and references
X Return Postcard

FAX RECEIVED

JUL 03 2002

PETITIONS OFFICE

CALCULATION OF FEES						
ITEM		NO. OF CLAIMS FILED		NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ AMOUNT
A	TOTAL CLAIMS FEE	16	- 20 =	0	X \$18	\$ 0
B	INDEPENDENT CLAIMS FEE**	3	-3 =	0	X 84	0
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)					\$ 0
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$270					
E	BASIC FILING FEE* LARGE ENTITY = \$740					740
F	TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, AND E)					\$ 740**

X

Charge Deposit Account No. 16-0068
 the amount of

\$740

A copy of this letter is
 enclosed.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0068

X Any additional filing fees required under 37 CFR 1.16.

X Any patent application processing fees under 37 CFR 1.17.

X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0068

X Any patent application processing fees under 37 CFR 1.17.

X Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date:

3/6/02




Derrick Reed, Attorney for Applicants
Reg. No. 40,138

Correspondence Address:

PACESETTER, INC.
15900 Valley View Court
Sylmar, CA 91392-9221
818/493-2200
818/362-4795 (fax)

I hereby certify that this New Application is being deposited with the United States Postal Service as "Express Mail" mailing label number EL758671539US in an envelope as "Express Mail Post Office to Addressee" addressed to:
BOX PATENT APPLICATION FEE
Assistant Commissioner for Patents
Washington, D.C. 20231, on:

March 6, 2002



Estella Pineiro

3/6/02
Date

In re: Application of: Joseph I. Florio; Gene A. Bornzin; Peter Boileau; Eric Falkenberg;
and Janice Barstad

Title: METHOD AND APPARATUS FOR USING A REST MODE INDICATOR TO AUTOMATICALLY
ADJUST CONTROL PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

Serial No.: March 6, 2002

Date Mailed: EL758671539US

Express Mail No.: A02P1020US01

Docket No.: A02P1020US01 Date / Notice of Allowance:

Date Filed: E. Pineiro

Mailed By: E. Pineiro

Attorney / Agent: D. Reed

Batch No.:

The following has been received in the U.S. Patent Office on the date stamped hereon:

PATENTS

- ☒ Transmittal & cert. of mlg.
☒ Utility / Prov / Design / PCT Pat. Appl. w/ 37 total pages
 (includes 31 specs; 5 claims; 1 abstract)
☒ Drawings with 6 Sheets
☒ Formal ☐ Informal
☒ Oath / Declaration
☒ Power of Attorney
☒ Assignment
☒ Recordation Form Cover Sheet
☒ IDS ☐ Supplemental IDS
☒ PTO-1449 w/ references
☐ Petition for Extension of Time
☐ Amendment / Response
☐ Preliminary ☐ Supplemental
☐ After Final ☐ After Allowance

- ☐ Issue Fee Transmittal
☐ Certificate of Correction
☐ Applicant's Mistake ☐ PTO's Mistake
☐ Form PTO-1050
☐ Response to Missing Parts
☒ Other: Postcard

TRADEMARKS

- ☐ Transmittal Letter
☐ ITU Application
☐ TM/SM Application w/ specimens
☐ Request for Extension of Time
☐ Amendment / Response
☐ Statement of Use with Specimens
☐ Amendment to Allege Use
☐ Declaration Under Sec. 8 & 15
☐ Other:

In re: Application of: Joseph I. Florio; Gene A. Bornzin; Peter Boileau; Eric Falkenberg;
and Janice Barstad

Title: METHOD AND APPARATUS FOR USING A REST MODE INDICATOR TO AUTOMATICALLY
ADJUST CONTROL PARAMETERS OF AN IMPLANTABLE CARDIAC STIMULATION DEVICE

Serial No.: March 6, 2002

Date Mailed: EL758671539US

Express Mail No.: A02P1020US01

Docket No.: A02P1020US01 Date / Notice of Allowance:

Date Filed: E. Pineiro

Mailed By: E. Pineiro

Attorney / Agent: D. Reed

Batch No.:

The following has been received in the U.S. Patent Office on the date stamped hereon:

PATENTS

- ☒ Transmittal & cert. of mlg.
☒ Utility / Prov / Design / PCT Pat. Appl. w/ 37 total pages
 (includes 31 specs; 5 claims; 1 abstract)
☒ Drawings with 6 Sheets
☒ Formal ☐ Informal
☒ Oath / Declaration
☒ Power of Attorney
☒ Assignment
☒ Recordation Form Cover Sheet
☒ IDS ☐ Supplemental IDS
☒ PTO-1449 w/ references
☐ Petition for Extension of Time
☐ Amendment / Response
☐ Preliminary ☐ Supplemental
☐ After Final ☐ After Allowance

- ☐ Issue Fee Transmittal
☐ Certificate of Correction
☐ Applicant's Mistake ☐ PTO's Mistake
☐ Form PTO-1050
☐ Response to Missing Parts
☒ Other: Postcard

TRADEMARKS

- ☐ Transmittal Letter
☐ ITU Application
☐ TM/SM Application w/ specimens
☐ Request for Extension of Time
☐ Amendment / Response
☐ Statement of Use with Specimens
☐ Amendment to Allege Use
☐ Declaration Under Sec. 8 & 15
☐ Other:

Case U.S. Pro
 10/092695
 03/08/02